

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

MARYANNE PETRANEK,)	CASE NO. 1:11 CV 1381
)	
Plaintiff,)	
)	
v.)	JUDGE LESLEY WELLS
)	
CITY OF CLEVELAND, <i>et al.</i> ,)	
)	
Defendants.)	<u>MEMORANDUM OPINION</u>
)	<u>AND ORDER</u>

This matter comes before the Court upon Plaintiff's Motion for a Temporary Restraining Order ("TRO") against Defendants City of Cleveland and Michael Cozart. Plaintiff seeks to prevent these defendants from "enforcing and applying any policy that prohibits, interferes with or otherwise disrupts [her] efforts ... to engage in the circulation of initiative petitions on the sidewalks located adjacent to the streets in and about the area known as Shaker Square." (ECF #3). This case is assigned to Judge Wells, however, as she was temporarily unavailable and unable to address the TRO motion in a timely manner, the case was temporarily assigned to this Court.

Under Fed. R. Civ. Pro. 65(b) a temporary restraining order may be issued without written

or oral notice to the adverse party or its attorney only if “specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition. Plaintiff’s Complaint did not satisfy this requirement, and did not include an affidavit in support of her claims. The Court, nonetheless, scheduled a status hearing allowing both parties to present their arguments, allowed Plaintiff to supplement her Complaint with a written affidavit, and allowed Defendant to file a written response to the Motion for TRO. The parties were given the opportunity to present any evidence they believed was relevant to the issues before the Court. Having heard and reviewed all of the relevant evidence and arguments presented by the parties, the Court finds that Plaintiff’s Complaint and affidavit failed to set forth sufficient evidence to support the issuance of a TRO. Therefore, Plaintiff’s Motion for a Temporary Restraining Order (ECF # 3) is DENIED. This case shall be returned to Judge Wells for any further proceedings. IT IS SO ORDERED.

/s/ Donald C. Nugent
DONALD C. NUGENT
United States District Judge

DATE: July 21, 2011